

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:18CR26
)	
Plaintiff,)	JUDGE JAMES G. CARR, SR.
)	
v.)	
)	
KARL J. ROGERS,)	
)	MOTION OF THE UNITED STATES FOR A
Defendant.)	<u>PRELIMINARY ORDER OF FORFEITURE</u>

NOW COMES the United States of America, by and through the undersigned counsel, and moves this Court for the issuance of a Preliminary Order of Forfeiture in the above-captioned case. A proposed Preliminary Order of Forfeiture is attached hereto.

This motion is supported by the following:

1. On January 10, 2018, a federal grand jury sitting in this district returned a one count Indictment against Karl J. Rogers, charging him with a violation of 18 U.S.C. § 2252(a)(2).

2. The Indictment further sought forfeiture pursuant to 18 U.S.C. § 2253 of all visual depiction described in Title 18, United States Code, Section 2252, and all books, magazines, periodicals, films, videotapes, and other matter which contain any such visual depictions, which were produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; (ii) all property, real, and personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and (iii) all property, real and personal, used to commit or to promote the commission of such offense and all property traceable to such property; including, but not limited to the following:

a. Cannon Camera, model ds6041, seized on December 13, 2017;

- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;
- f. My Passport Ultra, HD portable hard drive, 1tb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;
- h. (4) Zip Disks, seized on December 13, 2017;
- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

3. On March 6, 2019, a jury found Karl Rogers guilty of violations of 18 U.S.C. § 2252 as charged in Count 1 of the indictment.

4. On October 8, 2019, in the Judgment filed in this case on October 8, 2019, this Court ordered the following regarding forfeiture:

As a result of the foregoing offense, Karl J. Rogers shall forfeit to the United States: (i) all visual depictions described in 18 U.S.C. § 2252, and all books, magazines, periodicals, films, videotapes, and other matter which contain any such visual depictions, which were produced, transported, mailed, shipped or received in violation of 18 U.S.C. Chapter 110; (ii) all property, real and personal, constituting or traceable to gross profits or other proceeds obtained from the offense charged in Count 1; and, (iii), all property, real and personal, used – or intended to be used-to commit or to promote the commission and or any book, magazine, periodical, film, videotape, and other matter which contain any such visual depiction, which were produced, transported, mailed, shipped or received in violation of Title 18, United States Code, Chapter 110; and/or any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and/or any property, real or personal, used or intended to be used to commit or to promote the commission of the offense charged in Count 1 and all or any property traceable to such property; including, but not limited to, the following which was December 13, 2017:

- a. Cannon Camera, model ds6041, seized on December 13, 2017;
- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;

- f. My Passport Ultra, HD portable hard drive, 1tb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;
- h. (4) Zip Disks, seized on December 13, 2017;
- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

4. The Court's jurisdiction in this matter is founded upon 18 U.S.C. § 2253, which provides that with respect to any person convicted of a felony offense in violation of Chapter 110 of Title 18:

(a) Property subject to criminal forfeiture. A person who is convicted of an offense under this chapter involving a visual depiction described in section ... 2252, ...of this chapter, shall forfeit to the United States such person's interest in--

(1) any visual depiction described in section 2251, 2251A, 2252[,] 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter;

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property.

(b) Section 413 of the Controlled Substances Act (21 U.S.C. 853) with the exception of subsections (a) and (d), applies to the criminal forfeiture of property pursuant to subsection (a).

5. Upon the issuance of a Preliminary Order of Forfeiture, the United States will provide written notice to any known third parties asserting a legal interest in the initially forfeited properties, and will publish, on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, notice of the Court's Order and the intent of the United States to dispose of the subject properties in such manner as the Attorney General may direct.

WHEREFORE, the United States respectfully requests that this Court enter judgment of criminal forfeiture by issuing the proposed Preliminary Order of Forfeiture, forfeiting to the United States the interest of defendant Karl Rogers in the following properties and ordering the United States to seize them forthwith and dispose of them in accordance with law:

- a. Cannon Camera, model ds6041, seized on December 13, 2017;
- b. (4) Sandisk memory cards, two 8gb and two 32gb, seized on December 13, 2017;
- c. (3) Apple iPhones, seized on December 13, 2017;
- d. Apple iPad, seized on December 13, 2017;
- e. (2) Apple iPods, seized on December 13, 2017;
- f. My Passport Ultra, HD portable hard drive, 1tb, seized on December 13, 2017;
- g. (4) Fugi Film floppy disks, seized on December 13, 2017;
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- i. GoPro Hero 3 digital camera and micro-SD card, seized on December 13, 2017;
- j. (10) CD/DVD disks, seized on December 13, 2017;
- k. Digital camera/video camera and SD cards, seized on December 13, 2017;
- l. Panasonic laptop cf73, seized on December 13, 2017;
- m. (2) My Passport Western Digital hard drives, seized on December 13, 2017;
- n. Silicon Power hard drive, 1tb, seized on December 13, 2017.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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CERTIFICATE OF SERVICE

It is hereby certified that on this 21st of October, 2019, the foregoing Motion of the United States for a Final Order of Forfeiture and proposed Final Order of Forfeiture were filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Henry F. DeBaggis
Henry F. DeBaggis
Assistant U.S. Attorney